



## **OP 91.304: FREE SPEECH AND ASSEMBLY**

### **POLICY**

Mississippi State University recognizes that in the community of scholars there are certain indisputable rights to freedom of inquiry, freedom of thought, and freedom of expression. The university encourages the search for truth and knowledge and does not abridge searchers' rights to reveal their findings, by both spoken and written word, even if in so doing they might find themselves at variance with their peers as well as the lay community. To dissent, to disagree with generally accepted truth and knowledge is acceptable.

The university also stands for the right of all the university community to pursue their legitimate activities without interference, intimidation, coercion, or disruption. The university will protect the rights of freedom of speech, expression, petition, and peaceful assembly and affirms all rights and freedoms guaranteed under the Constitution of the United States.

Finally, the university recognizes that the right to dissent and the right not to speak are essential components of free expression. To ensure these rights are respected, the university requires that public statements on issues of current importance made on behalf of the institution or any division thereof receive appropriate review and prior approval.

### **PROCEDURE**

Reasonable time, place, and manner restrictions will be enforced. However, the enforcement will not depend, in any way, on the subject matter involved in an expressive activity. It is strongly suggested that all activities be registered with the Dean of Students' office 48 hours in advance in order to make adequate arrangements for safety and security and to insure the space desired is available. Registration information can be obtained at the Dean of Students' office.

Mississippi State University provides forums for the expression of ideas and opinions, such as the following:

1. Traditional public forums include the university's parks and similar common areas such as the Drill Field and Junction. These areas are generally available for non-amplified expressive activity, planned or spontaneous, for the individual or small group at any time without the need for reservation or prior approval, unless the space is already scheduled. No individual or small group shall be permitted to set up on or obstruct the traffic flow on sidewalks, roadways, or through plazas. Reasonable setback and distance requirements from roads, sidewalks, plazas, and other areas will be enforced to preserve access and traffic flow.
2. Designated public forums include other parts of the campus that may become temporarily available for non-amplified expressive activity as designated by the university. Examples of designated forums include parking lots and athletic fields.

3. Non-public forums are areas that are not traditional public forums or designated public forums. These locations will be restricted to use for their intended purpose and are typically not available for public expressive activity. Examples include, but are not limited to, classrooms, residence halls, faculty and staff offices, academic buildings, administration buildings, medical treatment facilities, libraries, research and computer labs, and private residential housing on campus.
4. Additionally, security considerations may affect the availability of spaces that would otherwise be available.

Disruptive activities will not be allowed. The university has defined a disruptive activity as any action by an individual, group, or organization to impede, interrupt, interfere with or disturb the holding of classes, the conduct of the university business, or the authorized scheduled events and activities of any and all segments of the university. Furthermore, any activity that incites imminent lawless action or that triggers an automatic violent response will be considered disruptive. In addition to any potential criminal penalties, students engaging in disruptive activities will be referred to the Dean of Students' office, and employees will be referred to Human Resources.

### **GUIDELINES**

1. Registered university organizations and university departments may display signs and banners at designated locations on campus. For information regarding these designated locations, contact the Dean of Students' office.
2. Literature can be distributed in public forums. However, the party distributing the literature is responsible for cleaning up any discarded paper and restoring the campus to its previous condition. Literature may not be distributed in non-public forums.
3. No amplification equipment may be used.
4. Use of campus land is on a temporary basis.
5. Flyers may be placed on open bulletin boards inside or outside university buildings.
6. No activity will be permitted that blocks access to university buildings, streets, sidewalks, or facilities, defaces property, injures individuals, unreasonably interferes with regular or authorized university activities or functions, or disrupts the free flow of pedestrian or vehicular traffic.
7. Private business or commercial solicitation on campus is generally prohibited. (Refer to OP 91.110: Campus Solicitation.)

### **INSTITUTIONAL STATEMENTS**

The university recognizes that in some instances matters of current, public importance may warrant a statement on behalf of the institution. Additionally, in some instances, individuals may feel it appropriate for a particular division, department, or other unit of the university to offer

such a statement.

Statements on behalf of Mississippi State University on matters of current importance may be made only via the Office of Public Affairs after consultation with appropriate university administrators. Statements offered on behalf of any division, department, or other unit of the university (a “unit-level statement”) must receive approval prior to publication via the following process.

A proposal for a unit-level statement may originate from any employee of the university. The proposed statement must be submitted to the appropriate Vice President for that division for initial review and approval. If approved at this level, the proposed statement will be submitted to the Office of Public Affairs (OPA) for further review and/or revision. If both the Vice President and the Office of Public Affairs agree upon a final proposed statement, OPA will submit the proposal for review by individuals appointed by the Executive Council, which must grant final approval prior to any publication or release.

For purposes of this section, a statement is subject to review if it states or clearly implies a normative position on matters about which the general public is aware, involving significant social, cultural, political, policy, or similar issues on which there is substantial public disagreement. This section does not apply to statements on purely factual issues such as scientific or empirical findings, even if these are subject to public dispute or disagreement.

The term “unit-level statement” refers only to statements offered on behalf of divisions, departments, or other units consisting of university employees, and not to statements by student organizations. Further, this section in no way limits, or requires review of, any statement by any individual university employee expressing beliefs in their individual and/or professional capacity, provided such statement does not purport to express the views of Mississippi State University or any division, department, or unit thereof.

## **REVIEW**

The Vice President for Student Affairs is responsible for the review of this operating policy every four years or as needed.

**REVIEWED BY:**

/s/ Regina Hyatt  
Vice President for Student Affairs

9/27/2022  
Date

/s/ Tracey N. Baham  
Assistant Vice President, Institutional Strategy & Effectiveness

9/27/2022  
Date

/s/ Joan Lucas  
General Counsel

9/27/2022  
Date

**APPROVED BY:**

/s/ Mark E. Keenum  
President

10/24/2022  
Date